



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5454

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

820 ILCS 90/15 new

Amends the Illinois Freedom to Work Act. Provides that an employer that elects to enforce a covenant not to compete under the Act must pay to the employee subject to the covenant full compensation, including all benefits, that the employee would have received had his or her employment not been discontinued for the time specified in the covenant not to compete or until the separated employee is employed full-time at a commensurate rate of pay and benefits in a field of work not subject to the covenant not to compete. Provides that an attempt to enforce a covenant not to compete in a manner that does not comply with the new provisions voids the covenant not to compete. Effective immediately.

LRB101 18532 JLS 67985 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Freedom to Work Act is amended by
5 adding Section 15 as follows:

6 (820 ILCS 90/15 new)

7 Sec. 15. Enforcement by employer of covenant not to
8 compete. An employer that elects to enforce a covenant not to
9 compete under this Act must pay to the employee subject to the
10 covenant full compensation, including all benefits, that the
11 employee would have received had his or her employment not been
12 discontinued (1) for the time specified in the covenant not to
13 compete or (2) until the separated employee is employed
14 full-time at a commensurate rate of pay and benefits in a field
15 of work not subject to the covenant not to compete. Any attempt
16 to enforce a covenant not to compete in a manner that does not
17 comply with this Section voids the covenant not to compete.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.